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EXAMINER

NGUYEN, ANH T

ART UNIT

PAPER NUMBER

2174

3

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,725

Applicant(s)

RICHARD, BRUNO

Examiner

Anh T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-12 are presented for examination.

Specification

2. The disclosure is objected to because of the following informalities:

Page 1, line 10, "into" should be changed to "in"

Page 4, line 2, "succeed" should be changed to "success"

Page 4, line 9, "his" should be changed to "this"

Page 4, line 20, "still capable" should be changed to "still be capable"

Page 6, line 10, "multiples" should be changed to "multiple"

Page 10, line 16, "In" should be changed to "If"

Page 12, line 19, "different" should be changed to "difference"

Page 12, line 27, "returns" should be changed to "returning"

Page 12, line 29, "..." should be changed to "."

Page 13, line 29, "defined" should be changed to "define"

Appropriate corrections are required.

3. The following claims are objected to because of the following informalities:

Claim 3, line 22, "correspond" should be changed to "corresponding"

Claim 4, lines 11, 14, 17, "located said" should be changed to "located between
said", line 29, "object" should be followed by a semicolon ";

Claims 7, 10, 11, "cellpading" should be changed to "cellpadding" and
"cellpagdding" should be changed to "cellspacing"

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack proper antecedent basis:

- a) Claim 1 recites the limitation "said image" in line 1.
- b) Claim 5 recites the limitation "said graphical object" in line 21.

There are insufficient antecedent basis for these limitations in the claim.

For the purpose of applying prior art, the examiner will make the best effort in interpreting claims in light of the specification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al.
(“Alexander”, US 5, 986, 654).

As per independent **claim 1**, Alexander teaches a process for displaying a composite object in a markup language page, said image composing at least two cells with a first cell containing an image and a second cell containing textual information, said at least two cells being arranged in a table for the purpose of building a composite image wherein said textual information can be separately modified (col.3, lines 7-11).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. ("Alexander", US 5, 986, 654) in view of Applicant's Admitted Prior Art ("AAPA").

10. As per **claims 2-3**, which are dependent on claim 1, Alexander teaches the invention substantially as claimed. However, Alexander does not expressly teach that each graphical object to be displayed involves three different image files associated to three distinctive states of the object. AAPA discloses each of said at least two cells is associated with different files in order to produce a composite image having different states in accordance with the position of the cursor relative to said object (page 2, line 31- 35); examples of which are: a first file, a second file and a third file, said first file corresponding to the normal state of the object, said second file corresponding to a state where the cursor is moving over said object, and said third file correspond to the state of the selection of said object by the cursor (Page 2, line 35- page3, line

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5) . It would have been obvious to one of ordinary skill in the art at the time of the invention to use three different image files associated to three different states with Alexander's plurality of image files as a means to distinguish between the different states of the graphical object to provide an indicator to the user when a button object is selected. Specifically, the user can determine at a glance if the graphical object is active, when the cursor is hovering or when the graphical object has been selected.

11. Claims 4, 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. ("Alexander", US 5, 986, 654).

As per claim independent **claim 4**, Alexander teaches decomposing an image of a graphic object to be displayed within a Hyper Text Markup Language (HTML) page (col.8, lines 18-21) comprising the steps of:

producing a first image file corresponding to a superior left corner (111) corresponding to a first variant portion of said object (Fig.4, 310, left end cap);

producing a second image file corresponding to a superior right corner (112) corresponding to a second variant portion of the image (Fig.4, 320, right end cap);

producing a third image file corresponding to an inferior left corner (113) corresponding to a third variant portion of said image (Fig.4, 210) ;

producing a fourth image file corresponding to an inferior right corner (114) corresponding to a fourth variant portion of said image (Fig.4, 220);

While Alexander teaches that images of a graphic object are constructed as a plurality of image files corresponding to display regions within a table in HTML (col.8, lines 19-21). Alexander does not expressly disclose producing a fifth image file, corresponding to an invariant n-pixel wide portion of the image located between said superior left and said superior right corners; producing a sixth image file corresponding to an invariant n-pixel wide portion of the image located between said superior left and said inferior left corners; producing a seventh image file corresponding to an invariant n-pixel wide portion of the image located between said superior right and said inferior right corners; producing a eighth image file corresponding to an invariant n-pixel wide portion of the image located between said inferior left and said inferior right corners. Official Notice is given that the use of a specific number of image files is well know in the art; examples of which are: a plurality of image files such as a fifth, sixth, seventh, and eight image file. It would have been obvious to one of ordinary skill in the art at the time of the invention to use this detail implementation of a specific number of image files with Alexander's plurality of image files according to requirements/preferences because decomposing an image to smaller size files provides the advantage of reusing the same files for multiple different objects.

As per independent **claim 7**, Alexander teaches constructing an HTML page where each graphical object or button is represented by a plurality of columns and rows, and said HTML table is created with a cellpadding set to zero, a cellspacing set to zero and, at last, a border set to zero (Table III, col.9, line 65)

While Alexander does teach a plurality of rows and columns, Alexander does not specifically teach a set of 3 rows and three columns forming 9 elementary cells. Official Notice

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is given that the cells in the table can be of varying sizes or any number of rows and columns to be determined by the user or designer. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Alexander's method to include the use of any specific set rows and columns such as 3x3 to allow for flexibility in generating cells to allow users to easily display elements to define the appearance of a web page..

As per **claim 8**, which is dependent on claim 7, while Alexander teaches several exemplary implementations of a table structure to realize a display button in HTML (col.9, lines 57-60). Alexander does not specifically teach a first row having a first cell for displaying the first top left corner (111) of said graphical object; a second cell for displaying the upper vertical portion (116) of a vertical slice of said graphical object, a third cell for displaying the right top corner (112) of said graphical object; a second row having a first cell for displaying a left portion (115) of a horizontal slice of said graphical object; a second cell for displaying the textual information which is to be incorporated within said graphical object; a third cell for displaying the right portion (117) of an horizontal slice of said graphical object; a third row having: a first cell for displaying the bottom left corner (113) of the graphical object; a second cell for displaying the lower portion (118) of a vertical slice of said graphical object; a third cell for displaying the bottom right corner (114) of said graphical object. Official notice is given that the table structure used to display graphical objects can vary because it is identified and determined by how the designer chooses to display the objects and is therefore the designer's choice (col.12, lines 11-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to use any specific order of rendering such as that mentioned above to provide automatic generation and dynamic editing of graphical objects to designers.

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As per **claim 9**, which is dependent on claim 8, Alexander teaches wherein the second cell of the second row codes the hexadecimal code of the color of the background of said graphical object (Table III, col.11, lines 39-41).

Claim 10 is similar to the combination of claims 7 and 8, and is therefore rejected under similar rationale.

As per independent **claim 11**, Alexander teaches:

identifying said graphical objects (col.3, lines 31-41) ;

analyzing each of said graphical objects for deriving, for each object, a set of eight portions which corresponds to four corners and two vertical top and bottom sample and two horizontal left and right portions of said graphical object (Fig.4, col.8, lines 18-46);

extracting said textual information from the original HTML page and inserting it within the second cell of the second row; inserting in each of the other cells one corresponding portion of said eight portions of said graphical objects (Fig. 4, col.7, lines 47-53).

Alexander teaches constructing an HTML page where each graphical object or button is represented by a plurality of columns and rows, and said HTML table is created with a cellpadding set to zero, a cellspacing set to zero and, at last, a border set to zero (Table III, col.9, line 65)

While Alexander teaches a plurality of rows and columns, Alexander does not specifically teach a set of 3 rows and three columns forming 9 elementary cells. Official Notice is given that the cells in the table can be of varying sizes determined by the user or designer. It

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would have been obvious to one of ordinary skill in the art at the time of the invention to use any specific set rows and columns such as 3x3 to allow for flexibility in generating cells.

As per **claim 12**, which is dependent on claim 8, Alexander teaches replacing the eight cells of said tables filled with graphical information with corresponding images (Fig.4, col.8, lines 18-34) within local files in the Wireless Application Protocol terminal (Fig.2, col.5, lines 49-65). Official Notice is given that the cells in the table can be of varying sizes determined by the user or designer. It would have been obvious to one of ordinary skill in the art at the time of the invention to use any specific set rows and columns such as 3x3 to allow for flexibility in generating cells.

Allowable Subject Matter

12. **Claims 5 and 6** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The prior art made of record fails to anticipate or make obvious the claimed invention. Specifically, the prior art fails to teach, in combination with the remaining elements:

(a) computing the middle of said graphical object; (b) extracting a first vertical sample of n pixel wide, which passes through said middle; (c) determining the next adjacent sample located on the right and comparing it to said first vertical sample; (d) repeating (c) until the next adjacent sample located on the right is different than the first vertical sample, and setting the boundary of the right corners of the variant portions of the object, (e) determining the next adjacent sample

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located on the left and comparing it to the first vertical sample; (f) repeating step (e) as long as the next adjacent sample is different to the first vertical sample, and setting the left boundary of the left corners of the variant portions of the objects; (g) extracting a second horizontal sample of n pixel wide which passes through said middle of the object; (h) determining the next adjacent sample located upward and comparing it to said second horizontal sample; (i) repeating (h) until the next adjacent sample located upward is different than said second horizontal sample, and setting the boundary of the superior left and right corners of the variant portions of the object, (j) determining the next adjacent sample located downward and comparing it to said second horizontal sample; (k) repeating step (j) as long as the next adjacent sample is different to said second horizontal sample, and setting the boundary of the inferior left and right corners of the objects; using said boundaries for deriving said first, second, third, fourth, fifth, sixth, seventh and eighth image files as recited in claim 5. Claim 6 is dependent on claim 5 and therefore is also rejected.

Although the prior art teaches a substantial amount of the claimed matters, the art of record do not teach all of the claim limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alexander et al. (US 5,986,654) teaches a system and method for rendering on-screen iconic buttons with dynamic textual link.

Leduc (US 6,639,611) teaches a system and method for efficient layout of a display table

Arora et al. (US 5,845,299) teaches a draw-based editor for web pages.

Inquiry

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh T Nguyen whose telephone number is (703) 305-8649. The examiner can normally be reached on Mon.-Fri. (7:00 a.m.- 4:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Anh T Nguyen *An*
Examiner
Art Unit 2174

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100